IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 16694 of 2004

Between:

Penumalla Satyanarayana S/o Apparao
R/o Kothapeta, East Godavari District

..... PETITIONER

AND

The Deputy Commissioner, Endowments Department, Kakinada,
East Godavari District

.....RESPONDENT

Petition Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ order or direction declaring the proceedings in R.C. NO. A1/10367/2004 dated 14-09-2004 as illegal, arbitrary and unconstitutional and consequently set a side the same.

Counsel for the Petitioner: MR.K.CHIDAMBARAM

Counsel for the Respondent No.: GP FOR ENDOWMENTS

The Court at the stage of admission made the following :

THE HONOURABLE SRI JUSTICE K.C.BHANU

WRIT PETITION NO.16694 OF 2004

ORDER:

The present writ petition is filed challenging the transfer order made in Rc.No.A1/10367/2004, dated 14.9.2004 as arbitrary and illegal.

By the above-impugned proceedings, the petitioner was transferred from Kothapeta to Tantikonda village. The learned counsel for the petitioner contended that basing on the representation made by the local M.L.A. and due to political motivation, the present transfer is affected and it is therefore, vitiated.

Notice before admission was ordered, but the respondent did not file any counter.

The factual matrix is not in dispute. It is for the administrative authority to take appropriate decision in transferring the employees. The transfer is not only an incidence of service, but also one of the conditions of the service. Unless the transfer is challenged as a *mala fide* action, the same cannot be interfered with. N o *mala fides* are attributed to the Deputy Commissioner for Endowments, who has passed the impugned transfer order. Except stating in the affidavit that the impugned order is politically motivated, nothing has been stated as to how that order is passed under

the influence of some politicians. No doubt, in the impugned proceedings a reference was made that the representation of the M.L.A., Kothapet is cited but it is not the only basis for effecting the transfer, as the villagers of Kothapet and other elders also brought to the notice of the Deputy Commissioner about the petitioners conduct and behaviour in the administration of the institution. In such view of the matter, the impugned proceedings do not suffer from any legal infirmities so as to call for interference by this Court. Hence, the writ petition is devoid of merits and is accordingly dismissed. The interim stay granted earlier stands vacated. In the circumstances of the case, no order as to costs.

08.12.2004.

mdaa.

Copy to:

1. The Deputy Commissioner, Endowments Department, Kakinada, East Godavari District

2. Two C.Cs to G.P.for Endowments, High Court of A.P., Hyd.(out)

3. Two C.D.copies.